

## Annual Network Plans

Update on Options for Acting on Plans, 11/27/12

**Objectives:** In follow-up to previous briefings, provide an update on responses from the Regions and OGC on Region 9's potential approach(es), present a revised set of options for action, and propose next steps.

### Communication Update

Responses from the Regions:

- We heard from five of the nine other Regions. All five said they have no concerns with Region 9 approach. Most have previously taken some version of partial approval and at least one (R8 for Utah) has withheld approval for an entire plan on multiple occasions. We have not identified any specific instances of disapproval.
- R9 update: In addition to partial approval, which has been common for us, we found one instance where we withheld approval for an entire plan (2008 for SJV; Sean Hogan signature).

Responses from OGC:

- Noted requirement to act (not acting or withholding approval not given as options in CFR); [however, acknowledged previous decision to support withholding approval due based on an action requiring HQ approval.](#)
- Generally supportive of approach to disapprove, but using discretion based on importance of requirement. Also supportive of not acting when insufficient information.

### Revised Set of Options for Action

*Items that may not be approvable include:*

- Items that Region 9 does not have approval authority (e.g., PAMS, NCore, NO2 near-road).
- Items that do not meet requirements.
- Items for which the information provided is insufficient to judge whether the requirement has been met (i.e., missing or incorrect information).

*Definitions of Major, Moderate, and Minor:*

- Major: We cannot determine that an area is clean when an area does not have the required number of sites or lacks a design value site (only applies for NAAQS comparisons).
  - Only criterion guaranteed to hold up a planning action. All other CFR requirements have historically been addressed case-by-case.
  - In some cases, insufficient information on minor items may make it impossible to judge that major requirement is met (e.g., traffic count + distance to road + MSA + scale + monitor type = ozone minimum monitoring requirements).
- Moderate: We recommend the following categories of items for moderate, all of which have the potential to hold up a planning action:
  - Items that specifically require approval per CFR (e.g., sampling waivers and site closures/moves).

**Comment [mk1]:** Here's what we said in the 2007 CARB ANP:  
We have reviewed the submitted document and have found that it does not fully meet the minimum requirements set forth under 40 CFR Part 58.10. The comments enclosed with this letter identify several areas in the Plan where additional information is requested in order to complete the document and fully satisfy the requirements of 40 CFR Part 58.10. Rather than attempt to resolve these data gaps in this document, we request that ARB address the enclosed comments in future network plans.

- Items used to determine adequate network design (e.g., sampling schedule, co-location, parameter and method codes for PM [signifies whether monitor is appropriate for NAAQS comparison], tree distance for DV ozone sites, probe height).
- Items that result in questionable data (e.g., lack of QA checks and audits).
- Minor: These items are required to be included per CFR, but do not undermine the value of the ANPs or the monitoring data if they are missing/incorrect or if the requirement is not met (e.g., method and POC codes for non-PM instruments, missing the July 1<sup>st</sup> deadline, monitoring objective, co-location distance, start date).

#### Approach:

- Proposed general approach is overall approval of plans, but specifically identify portions that are not approvable, as follows:

#### Major Items

- Category: Requirements not met for major
  - Proposed Action: Disapproval on specific requirement
  - All Instances Identified as of 11/28: BAAQMD (Napa ozone); SJV (Arvin ozone)
- Category: Insufficient information to judge for major
  - Proposed Action: Explicitly not act on specific requirement
  - Additional Option: Strong signal that not addressing issue could cause future disapproval.
  - All Instances Identified as of 11/28: BAAQMD (community monitoring indicating potential PM2.5 hotspots due to woodsmoke), NDEP (NDEP SPM monitoring indicating potential PM2.5 exceedances in Carson City), Clark (Clark DAQ ozone special study indicating higher concentrations), South Coast (tribal and SCAQMD SPM monitoring indicating higher PM10 in Coachella).

#### Moderate Items

- Category: Requirements not met for moderate
  - Options for Action: Either (1) disapproval on specific requirements, (2) not acting on specific requirements, or (3) specifically noting deficiency, but including in overall approval.
  - All Instances Identified as of 11/28: Clark (tree distance for ozone DV site), South Coast (tree distance for ozone DV site), South Coast (some PM2.5 sites operating at incorrect sampling schedule without waivers), Great Basin (non-DV PM10 site moved without approval), Pinal (PM2.5 and PM10 colocation requirements not met), Pinal (PM sampling frequency and ozone season waivers not approved), San Diego (tree distance for ozone DV site)
- Category: Insufficient information to judge for moderate
  - Options for Action: Either (1) explicitly not acting on specific requirements, or (2) specifically noting deficiency, but including in overall approval.
  - Special Case: For items requiring separate approval, but with insufficient information to judge, we have historically (mostly) been explicit in not acting on that portion of the network plans. We recommend continuing this approach, regardless of how other moderate items are treated.

**Comment [MJL2]:** Gwen: I didn't see any items that fit in the moderate or minor not meeting requirements categories from your email, but please correct me if I am wrong.

**Comment [MJL3]:** Kate: I didn't see an email from you on this. Can you re-send or point me in the right direction?

**Comment [MJL4]:** Rynda, sorry, but you weren't in the meeting where I requested information on (1) major items that are either deficient or insufficient to judge or (2) moderate or minor items that are deficient. Can you provide me with that information?

**Comment [MJL5]:** Dena: I couldn't tell if your trees to close for HI item was relevant to ozone, making it moderate, or not. Please let me know.

**Comment [MJL6]:** Elfego, please confirm.

**Comment [MJL7]:** Meredith, please confirm.

**Comment [MJL8]:** Michael, this is my interpretation of your 11/8 email. Please confirm that these are the only moderate items with evidence that the requirements are not being met.

**Comment [MJL9]:** Dena, please confirm.

#### Minor Items

- Category: Requirements not met for minor
  - Options for Action: Either (1) explicitly not acting on specific requirements, or (2) specifically noting deficiency, but including in overall approval.
  - All Instances Identified as of 11/28: multiple agencies submitted plans late, Clark (CO probe too close to supporting structure), Pinal (not operating required continuous PM2.5 monitors), San Diego (30 day public inspection period occurred after submittal), San Diego and Bay Area (lead monitoring started late), San Diego (PM10 probe heights too short at three sites), multiple agencies had tree distance too close for non-ozone monitoring
- Category: Insufficient information to judge for minor
  - Proposed Action: Recommend capturing in overall approval, but making specific note of deficiency.

**Comment [MJL10]:** Michael, please confirm that this is minor.

**Comment [MJL11]:** Gwen, please confirm for BAAQMD.

#### Structure of Correspondence Letter

- Letter
- Attachment noting deficiencies: one or multiple?
- Checklist

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**Comment [mk12]:** Do we want to explicitly get Debbie's opinion here on what things get included and in what form? The example helps flush this out but it might be helpful to have the general letter parts spelled out before seeing the examples.

#### Example Action - Bay Area AQMD Annual Network Plan

- See attached for completed checklist and two sample letter options, following a subset of approaches outlined above.

#### Proposed Next Steps

1. Select an initial approach.
2. For a select group of agencies (propose to start with Bay Area, Sacramento, and Pinal), set up a meeting (AQAO manager level, but may include ADs) to discuss R9's checklist (shared in advance) and any instances where we intend to disapprove or withhold approval. Explicitly ask them whether they have any concerns and/or would like the chance to brief their management before we take action.
3. Once feedback is received, revisit and select a more final approach for all agencies.
4. For any agencies where we intend to disapprove or withhold approval on specific items, set up a call to discuss prior to sending a letter. For any agencies that raise substantial concerns, elevate and attempt to resolve prior to action.
5. For areas where there are not major concerns expressed, or there are no instances where we are disapproving or withholding approval, take action.